

MPG 1380.1

BASELINE

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MARSHALL PROCEDURES AND GUIDELINES

CD01

ACCEPTANCE OF GIFTS TO MSFC

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Marshall Procedures and Guidelines CD01		
Acceptance of Gifts to MSFC	MPG 1380.1	Revision: Baseline
	Date: November 30, 1999	Page 2 of 8

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Marshall Procedures and Guidelines CD01		
Acceptance of Gifts to MSFC	MPG 1380.1	Revision: Baseline
	Date: November 30, 1999	Page 3 of 8

TABLE OF CONTENTS

Preface

- P.1 Purpose
- P.2 Applicability
- P.3 Authority
- P.4 Applicable Documents
- P.5 References
- P.6 Cancellation

Document Content

- 1. Definitions
- 2. Responsibilities
- 3. Procedure
- 4. Records
- 5. Flow Diagram

Marshall Procedures and Guidelines CD01		
Acceptance of Gifts to MSFC	MPG 1380.1	Revision: Baseline
	Date: November 30, 1999	Page 4 of 8

PREFACE

P.1 PURPOSE

This Directive establishes responsibilities and procedures regarding the acceptance of gifts given to NASA Marshall Space Flight Center (MSFC) from any source.

P.2 APPLICABILITY

This Directive applies to all MSFC employees and organizational elements of MSFC. This Directive does not apply to monetary gifts (see NPD 1210.1), reimbursable travel arrangements (see NPD 9710.1), or gifts given to MSFC employees in their individual capacity (see 5 CFR Part 2635).

P.3 AUTHORITY

National Aeronautics and Space Act of 1958, as amended
(42 U.S.C. 2473(c)(4))

P.4 APPLICABLE DOCUMENTS

- a. NPD 1210.1, "Acceptance of Gifts by NASA"
- b. NPD 9710.1, "Delegation of Authority -- To Authorize or Approve Temporary Duty Travel on Official Business and Related Matters"
- c. NPD 1030.1, "Acceptance by Employees of Gifts or Decorations from Foreign Governments and Gifts to Foreign Individuals"
- d. NPG 1441.1, "Records Retention Schedule"

P.5 REFERENCES

- a. 5 CFR 2635, "Standards of Ethical Conduct for Employees of the Executive Branch"
- b. 5 U.S.C. 7342, "Foreign Gifts and Decorations Act"

Marshall Procedures and Guidelines CD01		
Acceptance of Gifts to MSFC	MPG 1380.1	Revision: Baseline
	Date: November 30, 1999	Page 5 of 8

P.6 CANCELLATION

MMI 1210.1D dated April 28, 1997; and MMI 1387.1B dated September 15, 1988

Original Signed by

A. G. Stephenson
Director

Marshall Procedures and Guidelines CD01		
Acceptance of Gifts to MSFC	MPG 1380.1	Revision: Baseline
	Date: November 30, 1999	Page 6 of 8

DOCUMENT CONTENT

1. DEFINITIONS

1.1 Gift to MSFC. Any thing of value, other than a monetary gift, given to MSFC. A thing is given "to MSFC", if it is expressly given to MSFC, if it is given to "NASA" and received by MSFC personnel, or if under the circumstances it appears the gift was meant for or should be accepted on behalf of MSFC. Gifts may include donations of services. Something provided pursuant to a contract or other formal agency agreement is not a gift for the purposes of this procedure. Generally, to be acceptable under the Space Act, gifts to MSFC must be offered unconditionally (i.e., without conditions specified as limitations on their use).

1.2 Monetary Gift. Gift given in the form of cash, check, or money order.

2. RESPONSIBILITIES

2.1 MSFC employees who receive a gift to MSFC are responsible for ensuring that the gift is treated as Government property and is turned over to the appropriate organization in accordance with the requirements of this MPG. Employees who are in receipt of a gift and are unsure whether it should be treated as a gift to them individually or to MSFC shall consult with the Office of Chief Counsel. Employees who have been contacted by a potential donor or who otherwise expect to receive a gift to MSFC should coordinate with the appropriate MSFC officials (discussed below) in advance of receiving the gift.

2.2 The Manager, Government and Community Relations Department, is responsible for approving the acceptance of and the initial utilization of gifts to MSFC, donations of personal services, and other special categories of gifts described in paragraph 3.2 below.

2.3 The Manager, Human Resources Department, is responsible for approving the acceptance of donations of personal services from nonemployees.

2.4 The Chief Counsel is responsible for providing advice to employees on whether gifts should be considered gifts to the individual or to the agency, and for concurring in determinations to accept gifts to MSFC.

Marshall Procedures and Guidelines CD01		
Acceptance of Gifts to MSFC	MPG 1380.1	Revision: Baseline
	Date: November 30, 1999	Page 7 of 8

3. PROCEDURE

3.1 Except for the types of gifts identified in paragraph 3.2, below, the following procedures apply:

3.1.1 Employees in receipt of gifts to MSFC shall immediately notify the Government and Community Relations Department and, unless otherwise instructed, turn the gift over to that department. In circumstances in which it would not be appropriate to decline or defer the acceptance of a gift, employees may tentatively accept a gift to MSFC when it is offered.

3.1.2 Government and Community Relations Department, in coordination with the Office of Chief Counsel, shall determine whether the Center can and will accept the gift.

3.1.3 If a letter of acceptance is necessary, for legal or protocol reasons, the Manager, Government and Community Relations Department, will determine who should sign the letter and will ensure that such a letter is concurred in by the Chief Counsel and sent to the donor.

3.1.4 After determining that a gift to MSFC will be accepted, the Manager, Government and Community Relations Department, shall coordinate with the Property Management Group, Logistics Services Department, to ensure that property is tagged and entered on MSFC property books, if applicable.

3.1.5 The Manager, Government and Community Relations Department, will determine to which organization the donated property should initially be assigned. Frequently, but not in all cases, it will be appropriate to allow the organization that received the gift to retain it.

3.1.6 When the donated property is an award or memento appropriate for display, the Manager, Government and Community Relations Department, shall coordinate with the Manager, Internal Relations and Communications Department, and the Manager, Media Services Department, as appropriate, regarding display of the item and whether publicity is warranted.

3.2 The following procedures apply to certain special categories of gifts:

3.2.1 Donations of personal services by nonemployees shall be subject to the approval of the Manager, Human Resources Department. If such services are to be accepted, the Human

Marshall Procedures and Guidelines CD01		
Acceptance of Gifts to MSFC	MPG 1380.1	Revision: Baseline
	Date: November 30, 1999	Page 8 of 8

Resources Department shall ensure that the donor signs, and the Chief Counsel concurs in a written agreement, specifying that the services are gratuitous.

3.2.2 Free subscriptions to trade journals and other periodicals may be accepted by employees as a gift to MSFC, provided the magazines are received at the employee's office and are made available to other employees.

3.2.3 Gifts valued at \$20 or less may be accepted as gifts to MSFC with the approval of the supervisor, provided the gifts will be treated as government property or resources and not as the personal property of the employee.

3.2.4 Gifts from foreign governments of more than "minimal value" will be processed in accordance with NPD 1030.1. Employees in receipt of such gifts must contact the Government and Community Relations Department for advice on reporting requirements under the NPD.

3.2.5 Gifts of transportation (other than reimbursable travel arrangements): local transportation to, from, within, or between the facilities of a contractor or other host may be accepted as a gift to MSFC with the approval of the employee's supervisor or travel authorizing official, provided NASA would otherwise be responsible for the transportation. Other gifts of transportation of a value greater than \$20 may not be accepted as a gift to MSFC without the approval of the Office of Chief Counsel.

3.3 Nothing in this procedure is intended to restrict employees from accepting gifts given to them individually, if such acceptance is otherwise permissible under applicable laws and regulations, including the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. 2635), and the Foreign Gifts And Decorations Act (5 U.S.C. §7342).

4. RECORDS

Letters of Acceptances will be maintained in the Government and Community Relations Department's office files in accordance with NPG 1441.1, Schedule 1/37/b.; Destroy when 2 years old.

5. FLOW DIAGRAM

None